



USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Template Version 2.09

Required Report - public distribution

Date: 7/29/2008

GAIN Report Number: NZ8018

New Zealand

FAIRS Country Report

Annual

2008

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Report Highlights:

This report outlines regulatory requirements for food and agricultural products exported to New Zealand, including labeling, packaging, and food additive regulations as well as other regulations and requirements. The sections on Food Laws and Food Additives have been updated since the 2007 report.

Includes PSD Changes: No
Includes Trade Matrix: No
Annual Report
Wellington [NZ1]
[NZ]

DISCLAIMER: This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Wellington, New Zealand for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

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SECTION I: FOOD LAWS

Food Legislation

In New Zealand, the safety of imported food is regulated through a number of acts, regulations and international agreements and many different agencies are involved in their administration. Key acts and international agreements include:

- The Food Act of 1981 and delegated legislation, which includes the New Zealand Food Standards 2002 and Emergency Food Standards;
- The Joint Food Standards Treaty, which committed the Australian and New Zealand Governments to a joint food standards system;
- The Agricultural Compounds and Veterinary Medicines Act of 1997;
- The Trans Tasman Mutual Recognition Act, which allows products made or imported into New Zealand that meet New Zealand's legal requirements, to also be sold in Australia and vice versa. (Some products are currently exempted from the agreement, including each country's high-risk food list.)
- The Sanitary and Phytosanitary Agreement and World Trade Organization Agreements; and,
- Codex Alimentarius, which is the international body for setting food standards.

The process for setting standards for imported foods is set out in the Food Act of 1981. There are two provisions in the Act that enable standard setting. One of the provisions enables the Minister for Food Safety to issue standards including Prescribed Food Standards and Emergency Food Standards. The other provision gives effect to the Joint Food Standards Agreement. It is a requirement under the Food Act that all food must comply with the applicable food standard.

- New Zealand (Prescribed Foods) Food Standard: Where a food is determined to be "high risk" the Minister for Food Safety can designate it as a Prescribed Food and allow for this food to be monitored for specific hazards.
- Emergency Food Standard: Where a food safety issue is serious enough the Minister can issue an Emergency Food Standard to alleviate or minimize any risk of the death of, or serious harm to, any person.
- Joint Food Standard: Standards are contained in the Joint Food Standards Code, which, in New Zealand, primarily relates to composition and labeling.

The current imported food regime focuses on prescribed or high-risk foods. The current list of high-risk foods was established in 1996. Under the Food Act, only foods that are prescribed foods or covered by an emergency food standard can be monitored (inspected, sampled, tested) at the border. As a result, most foods are considered "low risk" and are imported without restriction. There is limited monitoring of "low risk" foods.

The New Zealand Government is in the process of reviewing the imported food regime. The future regime will place more responsibility for managing food safety on the countries that produce and export food to New Zealand. There is a shift away from relying primarily on controls at the New Zealand border to manage the safety and suitability of imported food – namely 'stand-alone' sampling and testing - to a system that assesses and recognizes controls in place overseas to ensure they meet or are equivalent to New Zealand's standards for domestic food.

Australia New Zealand Joint Food Standards Code

Australia and New Zealand signed an agreement in December 1995 that established the intention to develop a joint food standards system as a means of protecting public health while facilitating trade. This agreement resulted in the formation of a joint Australia - New Zealand food regulation agency, Food Standards Australia New Zealand (FSANZ), and development of the Australia New Zealand Food Standards Code (otherwise known as [the Code](#)). The Code was adopted in New Zealand in February 2001 and took full effect in December 2002.

The Code, which is administered by FSANZ, contains requirements relating to food production including food composition, additives, labeling, contaminants, and genetic modification. It is broken down into four chapters: general food standards; commodity standards; food safety standards (Australia only); and primary product and processing standards (Australia only). Only the chapters on general food standards and commodity standards are applicable to New Zealand. In New Zealand, the standards in the Code are enforced by the New Zealand Food Safety Authority (NZFSA).

A number of areas are outside the scope of the joint food standards system and are covered under the [New Zealand Food Standards](#). These include:

- Maximum residue limits of agricultural compounds in food;
- Food hygiene and food safety provisions (including high risk imported foods);
- Export requirements relating to third country trade; and,
- Dietary supplements.

Key Organizations

New Zealand organizations that play key roles in regulating the food supply include: the New Zealand Food Safety Authority (NZFSA), Food Standards Australia New Zealand (FSANZ), and Biosecurity New Zealand, which is part of the Ministry of Agriculture and Forestry (MAF).

New Zealand Food Safety Authority

The [New Zealand Food Safety Authority](#) (NZFSA) is responsible for food safety in New Zealand. It was established in July 2002 as a semi-autonomous body attached to Ministry of Agriculture (MAF). In July 2007, NZFSA became a stand alone department. The current Minister of Food Safety is Lianne Dalziel.

As the competent authority, NZFSA's primary responsibilities are to protect and promote public health and facilitate access to markets for food and food-related exports. The latter is a significant responsibility as, in New Zealand, nearly 80% of the food produced is exported, providing just over half of the country's export earnings. New Zealand often plays a leadership role in international standard setting bodies, such as the Codex Alimentarius Commission (the standard setting agency for trade in food) and the OIE (the international organization for animal health).

NZFSA administers legislation covering:

- food for sale in New Zealand;
- the Animal Products Act 1999 (except live animals and germplasm)
- The Agricultural Compounds and Veterinary Medicines Act 1997
- The Wine Act 2004

A significant NZFSA initiative has been the Domestic Food Review. It was initiated to update and streamline New Zealand's decades-old regulatory program. Among other things, it was intended to address inequities in the way the food industry is regulated across the country; clarify the roles of the regulators (NZFSA, Public Health Units and Local Councils); and stem the continued rise in the number of reported food borne illnesses. NZFSA intends to move food regulation from an inspection-based system to a risk-based approach. This means that instead of the responsibility for food safety being placed on inspectors to find any problems, responsibility is moved to the person in charge of the food operation who must be proactive in the way they manage food safety and suitability and must demonstrate how they manage food safety. This will bring New Zealand practices in to line with most other developed countries. In October 2006, the New Zealand Government approved a package of recommendations that are currently being drafted into new legislation. The recommendations are expected to be implemented in July 2009 and will include a five-year transition period, which will conclude in 2014.

In concert with the Domestic Food Review, NZFSA is in the process of implementing the outcomes of the Imported Food Review, which was completed in 2004. The Imported Food Review covered all imported foods and beverages, agricultural compounds (including fertilizers and animal feeds), veterinary medicines and pet foods. Under the new regime, New Zealand is moving away from a system that relies on inspection and testing as the primary way of ensuring food safety to a system that assesses and recognizes controls in place overseas to ensure they meet or are equivalent to New Zealand's standards for domestic food. The new regime categorizes food according to risk; places greater emphasis on importers in taking steps to ensure food safety; and recognizes exporting country systems and assurances to ensure they meet or are equivalent to New Zealand's standards for domestic food. New Zealand's objective is to place more responsibility for managing food safety on the countries that produce and export food to New Zealand. Implementation, which will take place in stages over the next five years, will require increased collaboration among agencies and, in some cases, legislative changes. The new system effectively formalizes the role of the competent authority in exporting countries as the "risk manager" for the importing country.

Standards for high risk foods are being finalized and three - bivalve molluscan shellfish, beef for BSE, and roquefort and raw milk extra hard grating cheese - have been issued under the existing Food Act based on the new import regime model, which requires risks to be managed at origin.

As part of the implementation of the regime, two new standards are proposed under the existing Food Act relating to imports. These are currently out for consultation (see www.nzfsa.govt.nz/consultation). One is intended to provide importers with a clear indication of what the New Zealand Food Safety Authority (NZFSA) expects importers to do to ensure the food they import for sale is safe and suitable for human consumption. The other proposed standard will require importers to provide details such as their company's trading name and physical address, a contact person's name and postal address with NZFSA. They will also be required to keep, or have access to, records that show how the products they import for sale comply with all applicable New Zealand legislation, that their food products have been produced, transported and stored safely, as well as purchase records and relevant supplier information. This will enable NZFSA to develop a contact database. It is intended that the database will enable NZFSA to communicate more effectively with all food importers and so assist these importers to prepare for the future imported food regime. The database will also enhance the ability of NZFSA to respond to food incidents and emergencies.

Food Standards Australia New Zealand

[Food Standards Australia New Zealand \(FSANZ\)](#), a statutory authority operating under the [Food Standards Australia New Zealand Act 1991](#), was established in 2002. Its primary objectives are: the protection of public health and safety; provision of adequate information to consumers to make informed choices; and the prevention of misleading or deceptive conduct. As such, FSANZ is responsible for setting food standards that govern the content and labeling of foods sold in both New Zealand and Australia. The standards cover food composition, labelling and contaminants, including microbiological limits. In New Zealand, NZFSA enforces these standards.

The New Zealand Government recently passed a standard developed by FSANZ that requires all bread manufacturers to fortify bread with folic acid. Mandatory fortification is expected to increase folic acid intake in the target population (women 16-44 years) by an average of 140 micrograms per day and reduce the number of pregnancies affected by neural tube defects. Bread manufacturers have been given two years to start adding folic acid to bread. From September 2009, most bread in New Zealand will be legally required to contain folic acid. Fortified bread will contain around 135 micrograms of folic acid for every 100g of bread, which is about 2-3 slices. Organic bread will be exempt from mandatory fortification with folic acid, providing consumers the option to purchase unfortified bread as well.

In March 2008, a standard developed by FSANZ requiring the mandatory replacement of non-iodized salt with iodized salt in bread was gazetted in New Zealand. FSANZ approved the mandatory replacement because there is a fairly serious population-wide iodine deficiency in New Zealand. FSANZ selected bread as the preferred food vehicle because it is eaten widely and consistently throughout the entire population. Consistent with the mandatory folic acid fortification standard, all organic bread will be exempt from mandatory iodine fortification. This standard will be implemented in September 2009, which will give the New Zealand salt industry time to increase production of iodised salt.

The FSANZ board approved a draft food standard for nutrition, health and related claims in March 2008. The standard was notified to the Australia New Zealand Food Regulation Ministerial Council in April 2008. Under the standard, health claims relating to nutrients and biologically active substances can only be made on foods which are considered eligible on the basis of their overall nutrient profile. The nutrient profile is determined by the Nutrient Profile Scoring Criteria (NPSC), which was developed by FSANZ. The NPSC takes account of energy, saturated fat, sugar, sodium, protein, fruit, vegetable, nut and legume content.

Biosecurity New Zealand

[Biosecurity New Zealand](#) is the agency within the Ministry of Agriculture and Forestry (MAF) with the lead role in biosecurity protection (e.g. preventing unwanted pests and diseases being imported into New Zealand, and for controlling, managing or eradicating them should they arrive). Biosecurity New Zealand and MAF Quarantine Services merged in 2007 and are now MAF Biosecurity New Zealand. MAF Biosecurity New Zealand employs approximately 1,200 people, of which, 900 work in biosecurity. Of these 900 employees, approximately 550 employees are involved in border security/protection.

New Zealand has strict biosecurity rules. Non-processed products cannot be imported into New Zealand unless an import health standard has been developed. Import health standards specify the biosecurity requirements that must be met for trade to occur.

Biosecurity New Zealand introduced a new system for prioritizing and funding biosecurity import health standards on July 1, 2006. Biosecurity New Zealand uses this system to prioritize requests for import health standards received from both trading partners and private sector applicants, and to develop its work program for the financial year. This new system is one of several measures to address the gap between demand and New Zealand's capacity to deliver import health standards.

Briefly, the process for developing import health standards is as follows:

- Every year, around December, MAF invites applications or reconfirmations of requests for import health standard work for the year starting next July, along with an indication of whether applicants would be willing to fund the work.
- MAF compiles a list of all the "live" requests for import health standard work for the coming year.
- MAF officials pre-screen the requests using a set of prioritisation criteria. The pre-screen identifies those requests that clearly will not be prioritised high enough to be progressed during the year. The prioritization criteria include: strategic fit with the New Zealand Government's goals, net benefit for New Zealand, technical difficulty of the work, acceptability of the result for New Zealanders, and the availability of suitable resources.
- An expert panel including MAF, other government departments and experienced independent persons, then prioritises the remaining import health standard requests using the same prioritisation criteria.
- Once MAF has a prioritised list of requests, the Crown-funded resources are matched to the highest priority items to form the Crown-funded portion of the work program.
- The remaining applicants who indicated that they would be prepared to fund their application will then, in priority order and provided suitable contracted or staff resources are available, be invited to consider funding development of their standard.
- The annual import health standard development work programme is then be finalised, comprising both Crown and privately funded resources.
- Applicants are then advised of the result for their application and the prioritised list of all requests and the annual work programme published on the MAF Biosecurity New Zealand website.

In 2007 the prioritization of requests for new import health standards led to 21 new items being added to the work program.

In 2008, MAF decided to defer the Import Health Standard Prioritization round in favor of biennial prioritization. The precise timing of the next prioritization round is yet to be established, however the next round is expected to begin near the end of 2008.

Requests for the development of new import health standards can now be submitted to MAF at any time. Submitters will be contacted by MAF prior to commencement of the next prioritization round to confirm their request. Lists from competent authorities should be provided in priority order. More detailed information on the prioritization process is available at: <http://www.biosecurity.govt.nz/commercial-imports/import-health-standards/funding-management-system.htm>

In July 2008, Biosecurity New Zealand issued a notice to allow for an independent review as part of the development of import health standards. The purpose of the review is to determine whether the Ministry of Agriculture has given sufficient regard to the scientific evidence about which a person consulted on a draft standard has raised a significant concern. A request for an independent review may be made following consultation on: (a)

the risk analysis associated with a proposed import health standard; or (b) the proposed import health standard. Requests must be made in writing to the Director-General and must: (a) identify the part of the person's submission that explains the person's significant concern with the Chief technical officer's consideration of the scientific evidence; (b) explain why the person considers that there has been insufficient regard to the scientific evidence; and (c) include any additional scientific information related to the concern that was not provided to the chief technical officer during consultation. More information can be found at <http://www.biosecurity.govt.nz/files/regs/imports/gazette-notice-4582.pdf>

SECTION II: LABELING REQUIREMENTS

Food sold in New Zealand must be labeled in accordance with the Australia New Zealand Food Standards Code (otherwise known as [the Code](#)).

Food Labeling Requirements

Most food for sale in New Zealand must be clearly labeled in English (other languages can be used in addition to English, as long as they do not contradict the information). Specific health and safety information about some food products must be given to consumers even when a complete label is not required (for example the presence of caffeine or allergenic substances). Additional labeling statements may be required under the individual food product standards specified in the Code. (See Standard 1.2.2 - 1.2.10 of the Food Code for specifics.)

Labels must include the following information:

- **The name of the food:** Food products must be accurately named and/or described on the label. If a name is specified for the food in the Food Standards Code then this name must be used.
- **Lot identification:** This is information that clearly indicates the premises where the food was packaged and/or prepared and the batch from which it came, to assist should there be a food recall. A date mark and supplier's address may be sufficient.
- **Name and address:** The supplier's name and business (street) address in New Zealand or Australia. (Note: "Supplier" includes packer, manufacturer, vendor or importer of the food.)
- **Mandatory warning statements, advisory statements and declarations for certain ingredients/substances:** Some products must have special advisory and warning statements about the food or ingredients/substances in a food (e.g. food containing unpasteurised egg must advise/state that the product contains unpasteurised egg and foods containing royal jelly must include a specific *warning* statement). This information must be available even where a complete label is not required. Warning statements must appear on labels on 3mm type (1.5mm for small packages).
- **Mandatory declaration of certain ingredients/substances:** The presence of common food allergens and food/ingredients that commonly cause food intolerances (e.g. peanuts, gluten) must be declared on food labels, or where a complete label is not required, the information must be available to the consumer.
- **Ingredient list:** All ingredients must be listed by their common name, a description or, where specified in the Food Standards Code, the generic name, in descending order of in-going weight. Ingredients are any substances used in the preparation, manufacture and handling of a food and include food additives, compound ingredients (any ingredient that is itself made up of two or more ingredients), and added water.

- **Food additives:** The class name of the additive (where specified in the Food Standards Code) followed by the additive's specific name or code number must be declared. Where the additive is a vitamin or mineral the class name "vitamin" or "mineral" may be used.
- **Date marking:** Most packaged foods with a shelf life of less than two years must have one of the following date marks:
 - **"Use By"** dates, which relate to food safety. Foods with a "Use By" date should not be consumed after the date indicated for health and safety reasons. Food cannot be sold beyond their "Use By" date.
 - **"Best Before"** dates, which relate to quality. Foods should be consumed by their "Best Before" date to ensure quality. Foods can be sold beyond their "Best Before" date provided it is still fit for consumption.
 - **"Baked On"** and **"Baked For"** dates can be used for breads with a shelf life of less than 7 days.
- **Directions for use and storage:** Storage instructions must be provided where necessary to ensure that the food will keep for the period indicated by the date mark and/or where the consumer should be aware of any storage and use requirements necessary to ensure the food safety.
- **Percentage labeling:** The percentage of the characterizing ingredients, and/or components of most food products must be indicated on the label.
- **Net content** is required under the Weights and Measures Regulations 1999.

Nutrition Labeling Requirement

The nutritional information panel (NIP) must be set out specifically as shown below and is required on most packaged food products. Where average quantities or minimum/maximum quantities are given this must be indicated in the NIP.

Example of a Blank Nutrition Information Panel

NUTRITION INFORMATION		
Servings per package: (insert number of servings)		
Serving size: g (or mL or other units as appropriate)		
	Quantity per Serving	Quantity per 100g (or 100mL)
Energy	kJ (Cal)	kJ (Cal)
Protein	g	g
Fat, total	g	g
- saturated	g	g
Carbohydrate	g	g
sugars	g	g
Sodium	mg (mmol)	mg (mmol)
(insert any other nutrient or biologically active substance to be declared)	g, mg, µg (or other units as appropriate)	g, mg, µg (or other units as appropriate)

Labeling Requirements for Food Produced using Gene Technology

Genetically modified ingredients and foods can only be sold in New Zealand if they have been assessed for safety and approved by FSANZ. New Zealand and Australia have one of the most comprehensive labelling regimes for genetically modified (GM) foods in the world. As of December 2001, wherever a GM ingredient, additive or processing aid is present in the final food, the food must be labelled. A typical ingredient list for a food containing a GM ingredient is as follows:

Ingredients: wheat flour, water added, yeast, soya flour (genetically modified), vegetable oil, sugar, emulsifiers (471, 472E), preservative (282), enzyme amylase.

Where ingredients derived from GM plants - such as sugars, oils and some GM additives and processing aids - have been refined to the extent that there is no residual genetic material or protein of the source plant in the final product, and the product does not have altered characteristics, special labelling is not required. Another exemption to the labelling requirements in processed foods are GM flavors, which are allowed to be present up to a level of one part in a thousand in the final food without being identified as GM. Foods prepared from GM ingredients, additives and processing aids, but sold unlabelled at the point of sale for immediate consumption - e.g. restaurants, hotels and take-aways - are also exempt from labelling requirements.

NZFSA is responsible for the enforcement of GM food labeling standards in New Zealand. For additional information, review [Standard 1.5.2](#), which regulates the sale of genetically modified foods in Australia and New Zealand and was incorporated into the Food Standards Code on May 13, 1999 and amended on December 7, 2000.

SECTION III: PACKAGING AND CONTAINER REQUIREMENTS

Food Packaging Materials

Under the New Zealand Food Act of 1981, packaging material must not cause food to be unsafe or tainted. In addition, specific requirements in the Code, which relate to contaminants, must also be met ([Standard 1.4.3](#) Articles and Materials in Contact with Food). It is the responsibility of food manufacturers and sellers to ensure their products are safe and that they comply with legislation. In practice, packaging suppliers will need to ensure their products are suitable for the intended use. Compliance with recognized international food standards such as those of the European Union (EU) or the United States Food and Drug Administration would be reasonable evidence that materials are suitable for food use.

Wood Packaging Materials Used for Shipping Products to New Zealand

Under the Biosecurity Act (1993) importers must comply with an Import Health Standard (IHS) that outlines phytosanitary requirements for wood packaging material to be given biosecurity clearance into New Zealand. The IHS for [Wood Packaging Material from All Countries](#) has been developed under the requirements of the Biosecurity Act (1993) and New Zealand's obligations under the International Plant Protection Convention (1997). Wood packaging that is treated and certified as per "International Standard for Phytosanitary Measures (ISPM) 15 standard" will be compliant with the New Zealand standard.

Import Health Standard for Sea Containers

All sea containers must be deemed to be free from contamination before they will be given biosecurity clearance by an inspector. (Find the current Import Health Standard here: [Sea Containers from All Countries](#).)

From September 1, 2003 onwards, all imported containers must be covered by Quarantine Declaration (a document signed by a manager of the packing or exporter facility that declares; that a container was inspected internally and externally and was found to be free of contaminants, and the type of packing materials and wood packaging used) and other

documentation giving the following information pertaining to the container and the cargo (if any) within: container number, origin (where the container was packed), the port at which the container was first loaded aboard a vessel for shipment to New Zealand, exporter, importer, a complete and accurate description of the contents, including packaging, a quarantine declaration, and treatment certification if applicable.

In addition to the above, some containers are deemed to be "high risk". These must be subjected to either:

- Six-sided external inspection on the port area by an inspector within 48 hours of discharge, or
- Fumigation with methyl bromide, or
- Be accompanied by an official phytosanitary certificate attesting to the container's freedom from specific contamination, or
- Have undergone a decontamination or certification system approved by the Director, Border Management for use in lieu of external inspection.

To expedite clearance, additional certification of containers as free from restricted packaging and free of contamination of either the external or internal surfaces of the container or both is an option. In certain circumstances, certification may cover multiple arrivals of containers for periods of up to one year.

Import Health Standard for Air Containers

Air containers used for the import of food products into New Zealand must meet a minimum standard of cleanliness. All parts of the container including the internal and external sides must be free of contamination. Every container must also be free of any of the following:

- Animals, insects or other invertebrates (any life cycle stage), egg casings or rafts, or any organic material of animal origin (including blood, bones, fiber, meat, secretions, excretions, etc);
- Plants or plant products (including fruit, seeds, leaves, twigs, roots, bark, saw dust, or other organic material); or
- Soil or water

For additional information, see the MAF import health standard: [Air Containers from any Country](#) (MAF Regulatory Authority 152.07.01I).

SECTION IV: FOOD ADDITIVE REGULATIONS

FSANZ is responsible for the development and modification of food standards in the *Food Standards Code*. The section of the code that governs food additives, Standard 1.3.1, has been in force for several years. It was developed on the basis of food additive provisions from the former Australia Food Standards Code and the former New Zealand Food Regulations, 1984. The Code addresses additives in two ways. Some additives have specific permissions and levels allowed in food; others are permitted at levels determined by GMP (Good Manufacturing Practice). Information regarding permitted use of food additives is listed in [Sechedule 1](#) of Standard 1.31. of the Code. A list of miscellaneous additives permitted in accordance with GMP in processed foods is listed in [Sechedule 2](#) of Standard 1.3.1.

The Confederation of Food and Drink Industries of the European Community developed the basic food classification system that was modified to categorize Australian and New Zealand foods into Schedule 1 of the standards concerning food additives (Standard 1.3.1 of the Code). Over the past few years, feedback from stakeholders has suggested that there has

been some difficulty in interpreting Schedule 1 and other relevant clauses in the standard. FSANZ is in the process of making changes to Schedule 1 and to individual clauses to clarify and improve the Standard. This work is likely to be finalized in 2008.

Information regarding applications for the approval of new food additive is available at: <http://www.foodstandards.gov.au/standardsdevelopment/informationforapplic559.cfm>

Special note should be taken for additives that are genetically modified. For more information on the declaration of genetically modified ingredients see FSANZ guideline: [Labeling Genetically Modified Food](#).

SECTION V: PESTICIDES AND OTHER CONTAMINANTS

Contaminants and Natural Toxicants

FSANZ sets standards for the maximum levels (MLs) of specified metal and non-metal contaminants and natural toxicants in nominated foods. Information on Contaminants and natural Toxicants can be seen in [Standard 1.4.1](#) of the Code.

Pesticide Residues and Chemical Contaminants

The upper limit of agricultural and veterinary chemical residue allowed in a food is known as the Maximum Residue Limit (MRL). FSANZ sets MRLs for Australia only, and these are in the Code. NZFSA has responsibility for setting and enforcing MRLs in New Zealand. All imported and domestically-produced food sold in New Zealand (except for food imported from Australia) must comply with the New Zealand (Maximum Residue Limits of Agricultural Compounds) Food Standards (the [MRL Standards](#)). Under MRL Standards, agricultural compound residues in food must:

- Comply with the specific MRLs listed in the [MRL Standard](#) (including the "default" MRL of 0.1 mg/kg where no specific MRL is listed), or
- If the food is imported, it may comply with [Codex MRLs](#).

Microbiological Contaminants

FSANZ sets microbiological limits for foods in both countries.

SECTION VI: OTHER REGULATIONS AND REQUIREMENTS

Inspection Requirements

Foods covered by emergency or prescribed food standards are targeted for inspection using Customs tariff codes.

Auckland Regional Public Health Service (ARPHS) is responsible for processing applications for all high risk foods imported into New Zealand as referred from New Zealand Customs.

The Auckland Central Clearing House (ACCH) as part of ARPHS, is contracted to carry out the day-to-day operational procedures on behalf of The New Zealand Food Safety Authority (NZFSA). ACCH is also the initial contact point for information to importers and customs brokers.

Before being released to the domestic market, imported foods must meet Imported Food Requirements (IFRs). High-risk foods that may require further inspection or sampling are referred to a Designated Food Act Officer for further inspection and sampling.

Alternatively, New Zealand importers may obtain a clearance by providing approved certification from the exporting country. Contact details of ARPHS and ACCH can be found under Appendix I of this report.

Product Samples

Trade/product samples will be subject to the same requirements as imported food for sale unless there is sufficient evidence that the samples will not be consumed.

Specific documentation and certification requirements

Please refer to FAIRS Export Certificates Report at www.fas.usda.gov under Attache Reports for specific import certification requirement for products entering New Zealand.

SECTION VII: OTHER SPECIFIC STANDARDS

Organic Foods

There are two major organic certifying agencies in New Zealand for the certification of locally produced organic products, BioGro and Agriquality New Zealand. Both agencies are accredited by International Federation of Organic Agriculture Movements (IFOAM).

In New Zealand, there is no official standard set for organic food products. Products certified by the National Organics Program (NOP) in the United States can be exported to New Zealand and sold as organic. There are no mandatory labeling requirements for organic products imported into New Zealand, unless these products are intended to be further processed in New Zealand and re-exported.

The [NZFSA Technical Rules](#) under Section 11 (Imported Product and/or Ingredient) details the requirements for organic products/ingredients imported into New Zealand for further processing and re-exported.

SECTION VII: COPYRIGHT AND/OR TRADEMARK LAWS

Patents

The [Patents Act 1953](#) ("the Act") governs patents in New Zealand. In December 2004, the Ministry of Economic Development released draft legislation intended to replace the Patents Act 1953 and to bring New Zealand's patent law into conformity with international standards. This draft would keep the maximum patent term at 20 years, but would tighten the criteria for granting a patent. To date, the draft legislation has not been acted on.

In New Zealand, the two main criteria for the granting a patent are if it is "new" or if it is a "manner of new manufacture". An invention is considered new if a description of the invention has not been published in New Zealand before the filing date of the application. No notice is taken of information published outside New Zealand but not publicly available within New Zealand. "Manner of new manufacture" has been interpreted by the courts to exclude such things as "products of nature", mathematical operations, bare principles, mathematical algorithms, schemes or plans and methods of medical treatment of humans. As a condition of the granting of a patent, a full description of the invention is required. A

patent will not be granted for things that do not qualify as a "manner of new manufacture". A patent will last for twenty years from the date that [Intellectual Property Office of New Zealand](#) (IPONZ) receives a complete application provided that the renewal fees are paid at the end of the fourth, seventh, tenth and thirteenth years of the patent's existence.

New patents legislation is expected to be released later this year and be in force by mid-2009.

Trademarks

In New Zealand, protection is provided to registered trademarks through the Trade Marks Act 2002. This Act defines the scope of rights protected by trademarks, simplifies and streamlines processes for registering a trade mark, introduces new measures to deter pirating of copyright works and counterfeiting of trade marks, and strengthens protection for well-known trademarks.

Trademark protection can be provided to almost any sign that is capable of being represented graphically, and is capable of distinguishing the goods or services of one person from those of another. Once a trademark is registered, the owner has the exclusive right to use that trademark. The initial registration lasts for a period of ten years from the date the [Intellectual Property Office of New Zealand](#) (IPONZ) received an application. The registration is thereafter renewable for further periods of ten years, for an indefinite period.

Copyright

The Copyright Act 1994 governs copyright law in New Zealand. These rights allow copyright owners to control certain activities relating to the use and dissemination of copyright works. New Zealand is party to various international agreements, including:

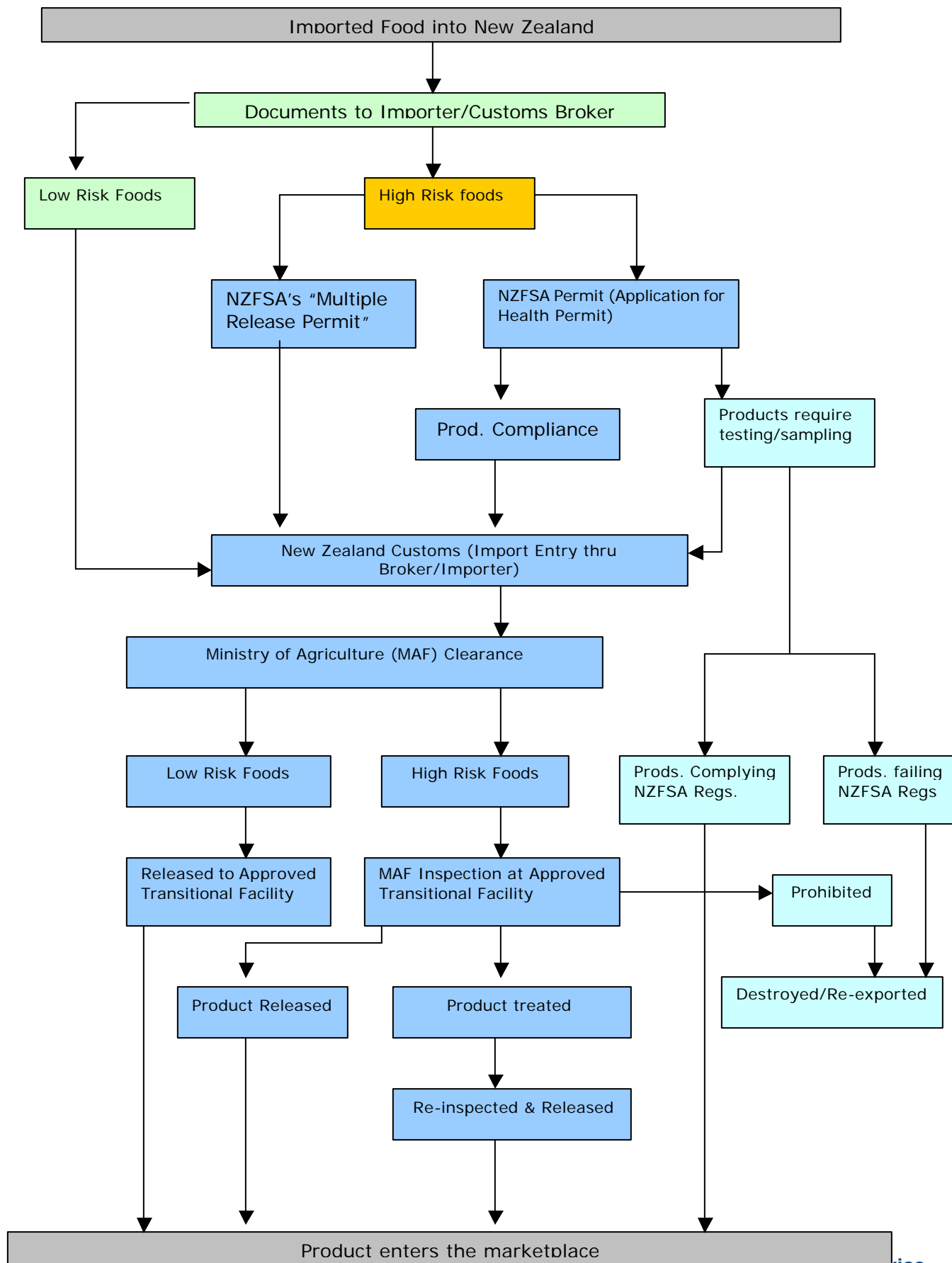
- The Agreement on the Trade-Related Aspects of Intellectual Property Rights (the [TRIPS Agreement](#)) (Annex 1C to the Agreement Establishing the [World Trade Organisation](#) (WTO) 1994);
- The [Berne Convention for the Protection of Literary and Artistic Works 1928](#) (Rome Act revision);
- The [Universal Copyright Convention 1952](#).

For a "work" or type of material to qualify for copyright protection, four conditions must generally be satisfied:

- It must fall within one of the categories or subject matter in which copyright can exist;
- It must be sufficiently "original";
- The "author" must be a "qualified person"; and
- Certain works must be fixed either in writing or some other material form.

Copyright protection applies only for a limited period of time (mostly lasting 15-50 years). Once copyright expires, it falls into the 'public domain' and can be freely used.

SECTION VIII: IMPORT PROCEDURES



APPENDIX I: GOVERNMENT REGULATORY AGENCY CONTACTS

New Zealand Food Safety Authority
PO Box 2835
Wellington
New Zealand
Phone: (+64)-4-463 2500
Fax: (+64)-4-463 2501
Web: www.nzfsa.govt.nz

Food Standards Australia New Zealand
PO Box 10559
Wellington 6036
New Zealand
Phone: (+64)-4-978-5630
Fax: (+64)-4-473 9855
Email: info@foodstandards.govt.nz
Web: www.foodstandards.govt.nz

Ministry of Agriculture and Forestry
PO Box 2526 Wellington
New Zealand
Phone: (+64)-4-474 4100
Fax: (+64)-4-474 4244
Web: www.maf.govt.nz

Environmental Risk Management Authority
PO Box 131
Wellington
New Zealand
Phone: (+64)-4-916 2426
Fax: (+64)-4-914 0433
Email: info@ermanz.govt.nz
Web: www.ermanz.govt.nz

New Zealand Customs Service
(Wellington, Corporate Office)
PO Box 2218
Wellington, New Zealand
Phone: (+64)-4-473 6099
Fax: (+64)-4-473 7370
Email: feedback@customs.govt.nz
Web: www.customs.govt.nz

Ministry of Consumer Affairs
PO Box 1473
Wellington, New Zealand
Phone: (+64)-4-474 2750
Fax: (+64)-4-473 9400
Email: mcainfo@mca.govt.nz
Web: www.consumeraffairs.govt.nz
New Zealand Commerce Commission
PO Box 2351
Wellington

New Zealand
Phone: (+64)-4-924 3600
Fax: (+64)-4-924 3700
Email: contact@comcom.govt.nz
Web: www.comcom.govt.nz

Intellectual Property Office of New Zealand
PO Box 30 687
Lower Hutt
Wellington
New Zealand
Phone: (+64)-4-569 4400
Fax: (+64)-4-569 2298
Web: www.iponz.govt.nz

The Commissioner
Plant Variety Rights Office
PO Box 24
Lincoln
New Zealand
Phone: (+64)-3-325 2414
Fax: (+64)-3-325 2946

Ministry of Health
PO Box 5013
Wellington
New Zealand
Phone: (+64)-4-496 2000
Fax: (+64)-4-496 2340
Email: moh@moh.govt.nz
Web: www.moh.govt.nz

Auckland District Health Board Central Clearing House
Auckland
New Zealand
Phone: (+64)-9-638 9909
Fax: (+64)-9-630 7470
Email: baskern@adhb.govt.nz
Web: <http://www.arphs.govt.nz/Services/ImportedFood/ImportedProducts.asp>

Department of Conservation
PO Box 10420
Wellington
New Zealand
Phone: (+64)-4-471 0726
Fax: (+64)-4-471 1082
Web: www.doc.govt.nz

Auckland Regional Public Health Service
Cornwall Complex, Floor 2
Building 15, Greenlane Clinical Centre
Private Bag 92605
Symonds Street
Auckland 1150

Tel: +64-9-623-4600
Email: arphs@adhb.govt.nz

Auckland Central Clearing House.
PO Box 76-136
Manukau City
Auckland
Tel: +64 -9 -261-1620
Fax: +64 -9 -261-1626

SPS & TBT Contacts

Coordinator, SPS New Zealand
Ministry of Agriculture and Forestry
PO Box 2526
Wellington
New Zealand
Phone: (+64)-4-474 4226
Fax: (+64)-4-470 2730
Web: <http://www.maf.govt.nz/biosecurity/sps/index.htm>

TBT Enquiry Point
Trade Negotiations Division
Ministry of Foreign Affairs and Trade
Private Bag 18 901
Wellington
New Zealand
Phone: (+64)-4-439 8000
Fax: (+64)-4-472 9596
Email: tnd@mft.govt.nz
Web: www.mfat.govt.nz

APPENDIX II: OTHER IMPORT SPECIALIST CONTACTS

Foreign Agricultural Service, U.S. Department of Agriculture
U.S. Embassy
PO Box 1190
Thorndon
Wellington
New Zealand
Phone: (+64)-4-462 6030
Fax: (+64)-4-462 6016
Email: AgWellington@fas.usda.gov
Web: <http://www.usembassy.org.nz>

American Chamber of Commerce
PO Box 106 002
Auckland
New Zealand
Phone: (+64)-9-309 9140
Fax: (+64)-9-309 1090
Email: amcham@amcham.co.nz
Web: <http://www.amcham.co.nz/>

New Zealand Grocery Marketers Association
PO Box 1925
Wellington
New Zealand
Phone: (+64)-4-473 9223
Fax: (+64)-4-496 6550
Email: gma@businessnz.org.nz
Web: www.gma.org.nz

Foodworks - Food, Beverage & Grocery New Zealand
PO Box 32 418
Devonport
Auckland 1309
New Zealand
Phone: (+64)-9-445 3621
Fax: (+64)-9-445 6287
Email: chris@foodworks.co.nz
Web: www.foodworks.co.nz

Intellectual Property Policy Group
Regulatory and Competition Policy Branch
Ministry of Economic Development,
33 Bowen Street, PO Box 1473
Wellington, New Zealand
Phone: (+64)-4-472-0030)
Fax: (+64)-4-473-4638)
Email: info@med.govt.nz